

CAUSE NO. 2021CVA000142D1

IRIS A. GONZALEZ, INDIVIDUALLY	§	IN THE DISTRICT COURT
AND As Next Friend of MATEO BRUNO	§	
	§	
VS.	§	
	§	_____ JUDICIAL DISTRICT
SAM TRANSFER, LLC,	§	
NGUYEN CONG CHI AND	§	
HECTOR RIVAS	§	WEBB COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION

Come Now, Plaintiffs, Iris A. Gonzalez, Individually and ANF Mateo Bruno, complaining of Sam Transfer, LLC, Nguyen Cong Chi and Hector Rivas and would respectfully show the Court as follows:

I.

DISCOVERY TRACK

1.1 Plaintiffs plead that this case should be assigned to Discovery Track 3 pursuant to Rule 190.4 of the Texas Rules of Civil Procedure, and will seek and agreed or other Court order to this effect.

II.

PARTIES

2.1 Plaintiff, Iris A. Gonzalez, is an individual citizen and resident of Laredo, Webb County, Texas now and at the time of the occurrence giving rise to this lawsuit. She is bringing individual claims for damages suffered by her son, Mateo Bruno, herein described.

2.2 Plaintiff, Mateo Bruno, is a minor child, son to Plaintiff, Iris A. Gonzalez and an individual and resident of Laredo, Webb County, Texas now and at the time of the occurrence giving rise to this lawsuit. He is bringing individual claims for damages through his mother as his next friend pursuant to the Texas Rules of Civil Procedure.

2.3 Defendant, Sam Transfer, LLC, is a limited liability company with its physical address 747 Bethesda School Rd., Lawrenceville, Georgia 30044. As an interstate motor carrier with US DOT No. 2789645, its designated process agent for service is Ramon Sandoval, 1519 West Houston St., San Antonio, TX 78207, where service of citation in this case is permissible.

2.4 Defendant, Nguyen Cong Chi, is an individual and, per crash report, may be served at 4167 Browning Chase Dr., Tucker, Georgia 30084. As Defendant, Nguyen Cong Chi, is a nonresident of the State of Texas and was involved in a collision while operating a motor vehicle in the State of Texas, service of process is permissible under the Texas Long-Arm Statute. Defendant, Nguyen Cong Chi, may be served through The Chairman of the Texas Transportation Commission, J. Bruce Bugg, Jr., 125 E. 11th Street, Austin, Texas 78701-2483. The Chairman of the Texas Transportation Commission shall mail to the nonresident a copy of the process and notice that the process has served on the Chairman by registered mail, or by certified mail, return receipt requested, with postage prepaid, to Nguyen Cong Chi, 4167 Browning Chase Dr., Tucker, Georgia 30084.

2.5 Defendant, Hector Rivas, is an individual citizen and resident of Laredo, Webb County, Texas now and at the time of the occurrence giving rise to this lawsuit. He may be served with process at 10303 Dancer Dr., Laredo, Texas 78045.

III.

JURISDICTION AND VENUE

3.1 This court has jurisdiction of this case because the cause of action, negligence, and the amount in controversy are all within the jurisdictional limits of this Court. Plaintiffs, Iris A. Gonzalez and Mateo Bruno were, at the time of the occurrence giving rise to this lawsuit, and are now individual citizens and residents of Laredo, Webb County, Texas. Defendant, Hector Rivas, also was an individual citizen and a resident of Laredo, Webb County, Texas, at the time of the occurrence giving rise to this lawsuit and now. Complete diversity does not exist between the named Plaintiffs and named Defendants to defeat any attempt to remove this case to Federal Court based on diversity of citizenship.

3.2 Venue in this case is proper in Webb County, Texas, under the general venue rule of Section 15.002(a)(2) of the Texas Civil Practice & Remedies Code, because it is the county in which Defendant, Hector Rivas, resided at the time the case of action occurred. This Defendant is a natural person. Also, under the Multiple Defendants Rule of Section 15.006 of the Texas Civil Practice & Remedies Code, this court has venue of all Defendants because all claims and actions arise out of the same transaction, occurrence or series of transactions or occurrences. See the allegations below.

IV.

GENERAL ALLEGATIONS OF FACTS

4.1 On September 8, 2020, at approximately 6:00 a.m., Defendant, Hector Rivas, was driving a 2001 Green Ford F350 pickup truck with a trailer carrying a van westbound on Interstate 10 in Texas.

4.2 Passengers in the Rivas vehicle included Jeanette Lopez and the minor Plaintiff, Mateo Bruno.

4.3 At this time, Plaintiff, Mateo Bruno, was a minor, under the age of 18 years.

4.4 Some unknown malfunction or defect occurred between the truck and trailer, the specifics of which are not yet completely known to Plaintiffs, occurred causing Defendant, Hector Rivas, to react same.

4.5 Defendant Rivas was unable to move from the roadway due to the guardrail barrier in the construction zone.

4.6 Behind Defendant Rivas westbound on Interstate 10 was Defendant, Nguyen Cong Chi, driving Defendant's, Sam Transfer, LLC 18-wheeler commercial motor vehicle. Plaintiffs claim that Defendant Nguyen Cong Chi was in the scope of his employment with Defendant, Sam Transfer, LLC, at this time and all relevant times for the crash involved in this lawsuit.

4.7 Defendant, Nguyen Cong Chi, failed to stop and rear-ended the Defendant's, Hector Rivas, trailer.

4.8 Plaintiff, Mateo Bruno, was injured of this crash.

V.

Negligence of Nguyen Cong Chi

5.1 Plaintiffs, Iris A. Gonzalez, Individually and ANF Mateo Bruno, allege that Defendant, Nguyen Cong Chi, was negligent and such negligence was a proximate cause of the crash and Plaintiff's damages:

- a. Failure to keep a proper lookout;
- b. Failure to timely apply brakes;
- c. Excessive speed under the circumstances; and
- d. Following too close.

Plaintiffs reserve the right to amend these allegations under the Texas Rules of Civil Procedure.

VI.

Negligence of Sam Transfer, LLC

6.1 Plaintiffs, Iris A. Gonzalez, Individually and ANF Mateo Bruno, allege that Defendant, Sam Transfer, LLC, was negligent and such negligence was a proximate cause of the crash and Plaintiffs' damages:

- a. Negligence entrustment of the 18-wheeler to Nguyen Cong Chi; and
- b. Insufficient inspections, maintenance and repair of the 18-wheeler vehicle.

Plaintiffs reserve the right to amend these allegations under the Texas Rules of Civil Procedure.

VII.

Negligence of Hector Rivas

7.1 Plaintiffs, Iris A. Gonzalez, Individually and ANF Mateo Bruno, allege that Defendant, Hector Rivas, was negligent and such negligence was a proximate cause of the crash and Plaintiffs' damages. Plaintiffs reserve the right to amend these allegations under the Texas Rules of Civil Procedure.

VIII.

Damages

8.1 Plaintiff, Iris A. Gonzalez, individually, seeks damages for any medical expenses and loss of earning capacity suffered by her son, Mateo Bruno, as a result of the crash until Plaintiff, Mateo Bruno, reaches his 18th birthday or otherwise his majority in an amount in excess of the minimum limits for this court, between \$100,00.00 and \$250,000.00.

8.2 Plaintiff, Iris A. Gonzalez, As Next Friend of Mateo Bruno, seeks damages for physical pain and mental anguish, physical impairment, medical expenses and loss of earning capacity in an amount in excess of the minimum for this court between \$250,000.00 and \$1,000,000.00.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer herein, that this cause be set down for trial before a jury, and that Plaintiffs recover judgement of and from Defendants for their damages, in such amounts as the evidence shows and the jury determines to be proper, together with pre-judgement interest and post-judgement interest, costs of suit, and for such other and further relief to which Plaintiffs may show themselves to be entitled, whether at law or in equity.

Respectfully submitted,

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PLAINTIFFS HEREBY DEMAND TRIAL BY JURY